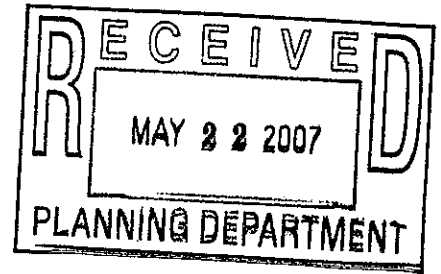


**HOLTZMAN OIL – PLEASANT VALLEY
STATEMENT OF JUSTIFICATION
SPECIAL EXCEPTION**

August 24, 2005
Revised through May 22, 2007



This Statement of Justification is submitted in support of an application for a special exception to permit the development of the site for an automobile service station with fuel pumps, convenience store and restaurant. The current Owner of the premises is Chantilly Travel Center, LLC, a Virginia limited liability company . The Applicant is The Holtzman Family Limited Partnership #1 and is hereinafter referred to as the "Applicant". The property which is the subject of this application is located at 44116 John Mosby Highway, Chantilly, Virginia. The tax map reference is as follows: Tax Map 107 Parcel 65 (PIN 097-20-1845-000) containing 2.98 acres (the "Property"). The Property is zoned CLI – Commercial Light Industrial under the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance"). Currently, the property is vacant. On October 5, 1999, the Race Trac Site Plan (Mountainprize, Inc., STPL 1998-0035) was approved for this property. Site Plan Application 1998-0035 has expired. BP Amoco Corporation filed a Site Plan Amendment (SPAM 2001-0073) but was not pursued. The Applicant is seeking a special exception to construct and operate an automobile service station with ten gasoline dispensers, convenience store and restaurant to serve the public and the businesses in the area. The Applicant proposes an improved design for this facility and has added the restaurant use.

LOCATION: The Property address is 44116 John Mosby Highway, Chantilly, Virginia 20152. It is located on the north side of John Mosby Highway (Route 50) approximately ¼ mile from the Fairfax County line. It is bounded on the north by vacant land owned by MGB Properties, LLC. It is bounded on the west by vacant land owned by Russell H. and Betty L. Sheets. It is bounded on the south by John Mosby Highway and, across the highway, a single family structure and warehouse owned by M.C. Dean Electric Contracting, Inc. and by vacant land owned by Stuart C. Downs and Kevin E. Downs. It is bounded on the east by Pleasant Valley Road, and across the road, a single family structure owned by Joseph A. Cusato and by land owned by Cadmor, LLC (a/k/a Moore Cadillac) which is being developed as a automobile dealership. All of these properties are zoned CLI.

ZONING AND USE: The zoning the Property is CLI – Commercial Light Industrial. The parcel is currently vacant.

PROPOSED USE: The Applicant proposes to improve the property by constructing an automobile service station with fuel pumps, a convenience store and a restaurant.

COMPREHENSIVE PLAN: The Property is located in an area identified in the Comprehensive Plan as the Suburban Policy Area. This policy area encourages a mix of residential, commercial and employment uses as well as efficient, compact mixed use.

The Applicant proposes to group necessary services such as gasoline, a convenience store and a restaurant in a compact design on one parcel to aid in improving the long term image of the Route 50 corridor. The proposed special exception will contribute to and increase the existing economy in the Route 50 corridor and will provide needed services to the uses located on nearby parcels, and commuters on Route 50. This proposed special exception is permissible under the Zoning Ordinance and is in compliance with the Comprehensive Plan.

RETAIL DESIGN GUIDELINES: The Applicant respectfully submits that the proposed special exception on the Property meets or satisfies the criteria set forth in the Countywide Retail Policy Plan Amendment, Section VI, Design Guidelines:

A. Building Placement and Design

1. All retail centers should include a site design that is compact and makes buildings the prominent feature of the site as viewed from adjoining roads.

RESPONSE: The proposed building on this site will be the prominent feature on the site as viewed from the adjoining roads.

2. It is desirable to have a green space to separate parking lots from sidewalks.

RESPONSE: Sidewalks are proposed for the site along Pleasant Valley Road and an asphalt trail is proposed along John Mosby Highway. Applicant has proposed landscaping along the sidewalk and trail. In addition, there will be landscape and green space on other areas on the site.

3. Buildings within a multi-building retail center should exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location and architectural details.

RESPONSE: The proposed building on the site will be the only building on the site when it is completed.

4. Large freestanding stores, retail centers and restaurants should be encouraged to provide usable outdoor spaces.

RESPONSE: There are no large free standing stores proposed for the site.

5. Required drainage and stormwater management facilities, such as holding basins, drainage swales and culverts should be incorporated into the site design of the project. Natural drainage features should be conserved to the greatest extent possible.

RESPONSE: Drainage and stormwater management facilities are being incorporated into the site design of the project. Natural drainage features will be preserved to the greatest extent possible.

6. Building massing should be varied to break down the scale of large buildings and retail centers. Long, flat facades are strongly discouraged. It is desirable that building facades should incorporate recesses, off-sets, angular forms or other features to avoid presenting a "blank side" to neighboring properties.

7. Pitched, mansard and other distinctive roof forms are strongly encouraged.

8. Rooftop mechanical equipment should be screened. Preferably, screening should be incorporated into the roof form. Ground mounted mechanical equipment should be screened.

RESPONSE: The design features contained in Guidelines 6, 7 and 8 will be incorporated into the design of the building of the on the property to the extent possible.

9. Retail buildings should incorporate continuous arcades over the front walkway to provide weather protection for shoppers and create a pedestrian-oriented environment.

RESPONSE: A canopy and arcade will be provided for the protection of customers and visitors to the site.

B. Circulation, Parking, and Loading

1. Pedestrian traffic, internal to the retail center, should be provided with a safe travel route from the parking area to the building with a demarcated pathway and clear directional signage. Trees and other plantings should be provided along the walkway.
2. Sidewalks should be provided to Neighborhood Convenience and Neighborhood Retail Centers to accommodate benches, bikes, strollers, and planters.
3. Parking areas should be visually screened from adjacent streets and residential areas by heavy landscaping, depressing the parking area and/or by constructing earthen berms.
4. All loading and storage areas must comply with Zoning Ordinance regulations and must be screened from adjacent residential areas by earthen berms, masonry walls, permanent wooden fencing, or dense landscaping.

RESPONSE: The Guidelines contained in paragraph 1 through 4 will be incorporated into the design of the site to the extent possible.

C. Landscaping and Buffering

1. Large parking areas should be landscaped with trees and shrubs to reduce the visual impact, provide shade, and reduce the heat absorption of the parking area.

RESPONSE: The parking areas on the site will be landscaped to accomplish the objectives contained in Guideline C. 1.

2. The street frontage of retail centers should be landscaped with trees to help create a green edge on both sides of the street.

RESPONSE: The street frontage will be landscaped to help create a green edge along the street frontage.

3. Existing natural environmental features such as hedgerows, mature trees, and berms should be integrated into the landscape plan for retail centers, when feasible.

RESPONSE: There are few mature trees on the site. Effort will be made to retain those trees that contribute to the landscaping plan of the site and new trees will

be planted to replace or supplement the existing trees.

4. Retail buildings and parking areas should be sufficiently screened and buffered from adjoining residential areas by distance, transitional uses, landscaping and/or natural vegetation to mitigate the effects of noise, lighting and traffic on the surrounding residences.

RESPONSE: There are no adjoining residential areas from which the site will be visible.

5. Residential areas should be buffered from adjacent retail uses by trees, fences and hedges.

RESPONSE: There are no adjoining residential areas from which the site will be visible.

D. Signs and Lighting

1. Signs for retail centers should be developed as an integral part of the overall center design. A unified graphic design scheme is strongly encouraged.

RESPONSE: The signs will be designed as an integral part of the center.

2. Lighting should reduce glare and spillage of light onto adjoining properties and streets. Fixtures should be attractive site elements that are compatible with the architecture of the retail center.

RESPONSE: The lighting will be designed in such a way as to reduce glare and spillage of light onto adjoining properties and streets while at the same time reasonably addressing the safety and security needs of the site. In addition, lighting fixtures will be attractive site elements that are compatible with the architecture of the site.

CATCHMENT/MARKET AREA: It is anticipated that the market area will include all of the industrial and other uses on Pleasant Valley Road north of the site as well as residences on Pleasant Valley Road south of Route 50. In addition, it is likely that the

use will serve west bound motorists on Route 50 who will have very few opportunities to purchase fuel and other convenience products between Chantilly and Gilbert's Corner.

ROUTE 50 COMPREHENSIVE PLAN AMENDMENT: The Route 50 CPAM recommends that no retail or industrial uses have direct access to Route 50. However, until the collector roads are built, this parcel cannot develop without direct access to Route 50 at this time. The site has been designed to honor the existing easement for future interparcel access along the northern boundary.

CRITERIA FOR APPROVAL OF SPECIAL EXCEPTION: The Applicant respectfully submits that the proposed special exception on the Property meets or satisfies the criteria set forth in Section 6-1310 of the Loudoun County Zoning Ordinance.

- The proposed special exception use is consistent with the Comprehensive Plan.
- The proposed special exception use will provide adequately for safety from fire hazards and will have effective measures of fire control.
- The noise level of the proposed special exception use will not negatively impact the uses in the immediate area.
- The proposed special exception use will not generate any additional glare or light visible from adjoining properties.
- The proposed use is compatible with other existing uses in the neighborhood and adjacent parcels.
- Landscaping, screening and buffering will be provided to adequately screen the surrounding uses and in accordance with the Loudoun County Zoning Ordinance.

- The proposed special exception will have no impact on preservation of topographic or physical, natural, scenic, archaeological or historic features.
- The proposed special exception will not damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.
- The proposed special exception at this site will contribute to the welfare of the public and promote convenience to the public by offering a necessary service.
- The traffic expected to be generated by the proposed use will be adequately and safely served by existing roads. There are no pedestrian connections and other transportation services to be addressed at this site.
- No existing structures are being converted.
- The proposed special exception will be served adequately by public facilities and services.
- This special exception will have no effect on groundwater supply.
- The proposed use will have no effect on the structural capacities of the soils.
- The special exception will not negatively impact the orderly and safe road development and transportation.
- The special exception will provide desirable employment and enlarge the tax base by providing a business which will support the surrounding community and providing a needed service, all of which is consistent with the Comprehensive Plan.
- The special exception considers the needs of the agriculture, industry, and businesses in future growth.
- Adequate on and off-site infrastructure will be provided.

- The special exception will not generate odors by the uses on the site which may negatively impact adjacent uses.
- The proposed special exception will use sufficient measure to mitigate the impact of any minimal construction traffic on existing neighborhoods and school areas that may be caused by the special exception.

TRANSPORTATION/PUBLIC IMPROVEMENTS: A commercial entrance will

be constructed on the site to provide for safe access into and out of the site from Pleasant Valley Road, as more specifically shown on the special exception plat.

TRAFFIC IMPACT: The traffic impact of this proposed use is expected to be minimal since the requested special exception is to provide services to the existing travelers and commuters as well as the businesses on nearby parcels and will not encourage or generate additional traffic in the area. A Traffic Impact Study prepared by Wells & Associates in support of this application is attached.

PUBLIC UTILITIES: The Property is served by public water and sewer which will be adequate to service the proposed use.

CONCLUSION

The proposed use will develop a currently unused site by developing an automobile service station with ten (10) gas pumps, a convenience store and a

restaurant. The uses proposed by this special exception will support and better serve the nearby established uses and the economy in the area. The use is compatible with the existing uses in the district, and will satisfy the review criteria set forth in the Zoning Ordinance. The use will have no negative or harmful impacts on the adjoining properties. Rather, the use will provide a needed services to the businesses and the commuting public. The Applicant respectfully requests that the Planning Commission and the Board of Supervisors approve this special exception application.

Respectfully submitted,
THE HOLTZMAN FAMILY
LIMITED PARTNERSHIP #1
By: Counsel



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